

Appl. No. 09/438,431
Amdt. Dated April 21, 2003
Reply to Office action of September 12, 2003
Attorney Docket No. P12817-US1
EUS/J/P/04-3089

REMARKS/ARGUMENTS

The Applicants have amended Claims 1, 6, 7, 10, 14-16, and 21. Claims 1-3 and 5-25 remain. The amendments made to the claims are strictly for clarifying the intent and coverage of the claim and no new matter has been added. Favorable reconsideration of the application is respectfully requested in view of the amendments and foregoing amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 103 (a)

Claims 1-3, 7-10 and 15-25 were rejected under 35 U.S.C §103(a) as being unpatentable over Gossett Dalton, Jr. et al. (US 6,426,955)(hereinafter Dalton). The Applicants respectfully traverse the rejection.

The Response to Amendment in the current Office Action noted that, though the Applicant argued that Dalton did not disclose that the calling party could choose between network terminating devices, the features upon which the Applicant relied in the Applicant's argument were not recited in the rejected claims. The Applicant has amended the independent claims for the present invention to more clearly and distinctly claim the invention and include the element that was not recited in the independent claims. Support for the amendments to the claims are found on page 8, lines 21-28. to page 9, lines 1-13, page 15, lines 13-18.

The Applicant respectfully directs the Examiner's attention to amended Claim 1.

1. (Currently amended) A method of selectively accessing an Internet Protocol (IP) network, comprising the steps of:
 - determining whether an end device has access to said IP network, wherein said end device is coupled to an indirect interface capable of communicating with one or more access network-terminating devices, each said access network-terminating device being coupled to an associated access network and each said access network being communicably coupled with said IP network;
 - confirming the availability of said one or more access network-terminating devices,

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determining the access capability of each of said one or more access network-terminating devices, said access capability comprising one or more predetermined factors;
comparing the determined access capability for each of said one or more access network-terminating devices to said access network with a preferred access capability being associated with said end device; and
said end device selecting at least one of said one or more access network-terminating devices to provide an optimum connection to said end device and said access network, wherein the access capability of said selected access network-terminating device is ranked highest according to said one or more predetermined factors. (emphasis added)

As discussed previously, the present invention discloses a method and system for providing access to an IP network utilizing a selected terminating device connected to an access network, which is then further connected to the IP network. An end device such as a computer, may attempt to access the IP network (i.e., the Internet) through one or more access network terminating devices that are already connected to the IP network via an access network such as LAN access, Satellite access, wireline network access, etc. (Figure 1). Known examples of network terminating devices include a cable or twisted pair associated with a fixed access network or a cellular phone for a wireless network (see Background) and may also include a Bluetooth wireless connection. A computer accessing the Internet through a cell phone would be an example of an end device (computer) connecting to an IP network (Internet) through an access network-terminating device (cell phone, the access network is the cellular network). Another network-terminating device can be a PC-MCIA card in the computer connecting to the Internet via a Wireless Local Area Network (access network).

In the Applicants' invention, the end device determines the access capability and current load condition of each of the access network-terminating devices that may be available to the end device. The end device then selects the appropriate access network terminating device based on the information obtained and the end device's predetermined preferences. (Summary). End device preferences are typically stored on the end device as a preferred access capability and the preferences include various

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predetermined factors. Information regarding network access capability is retained within memory in each access network terminating device as access capability information. Upon attempting a connection with a network, the end device queries the available access network terminating devices and compares the end device's preferred access capability to the access network-terminating device's current capability information. Based on the comparison, a best access network terminating device is selected for connecting the end device to the network.

The Dalton reference discloses a routing engine, within an IP network, for assisting gateways in making routing decisions in the IP network environment. Effectively, the routing engine adds flexibility to the gateways so as to route a call from an originating device to a terminal device according to predetermined limits or requirements. The routing engine provides a prioritized list of eligible destination gateways to the source gateway and the source gateway works through the list until the call is established with an eligible destination gateway (Abstract). Dalton illustrates an embodiment utilizing a standard telephone handset to access a source gateway through a public network to place a call over an IP network (Internet). The routing engine is utilized at the service point of the IP network to help direct the routing of the call. In this instance, the source gateway might be considered an interface to the Internet.

Applicants' amended claim 1 combination recites among other features, a capability of communicating with one or more access network terminating devices and said end device selecting at least one of said one or more access network terminating devices. There is no suggestion by Dalton that a calling device may choose between network-terminating devices. In fact the cited portion of the Dalton reference regarding this limitation (Col. 5, lines 3-43 and col. 4, lines 43-60), does not appear to disclose the cited features, but instead discloses 1) a service point, within the Internet, for providing an authorization response message to provide access to a destination gateway, (Col. 11) and 2) an operating environment for the routing engine, which is compared to a device comprising three different networks (Col 4). Dalton does not appear to disclose the end device actually choosing between access network-terminating devices. Instead, the Dalton reference teaches connecting, for example, the telephone network of a caller

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to the source gateway in the Internet, the Internet (second network) providing connection between the source and destination gateways and the destination telephone network (third network) from the destination gateway to the called party's telephone.

Applicants' amended claim 1 also recites, said end device selecting at least one of said one or more access network-terminating devices. This step is neither taught nor suggested by Dalton. In the Official Action, a correspondence is drawn between the step of selecting a device, and the description of the operation of the service point in routing calls. (Col. 11, lines 39-60 and Col. 5, lines 3-43). The cited portions of Dalton describe a routing mechanism within the Internet (Col. 11) utilizing a service point, and authorization and destination gateway selection also utilizing the service point. The source gateway of Dalton contacts the service point for routing assistance and the claimed routing engine uses information in the request for determining the destination gateway for the call.

The Applicants respectfully submit that Dalton does not teach or even suggest the above-emphasized features from claim 1. As between claim 1 and the Dalton reference, the Applicants submit that independent amended claims 7, 15 and 21 contain limitations analogous to those found in claim 1. For the above given reasons the Applicant respectfully submits that Dalton does not teach or suggest the limitations found in claims 7, 15 and 21.

Additionally, claims 2-3, 8-10 and 17-25, also addressed by the Detailed Action in subsequent paragraphs, contain the same limitations found in the respective independent claims 1, 7, 15 and 21. The Applicants respectfully request the withdrawal of the rejection of the above claims.

Claims 14 and 16 are rejected under 35. U.S.C § 103(a) as being unpatentable over Gossett Dalton, Jr. et al. (US 6,426,955) as applied to claim 1. The Applicants respectfully traverse the rejection of these claims and direct the Examiner's attention to claim 14.

14. (Original) The system of claim 13, wherein said cellular telephone includes, as a direct interface, means for communicating over a

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cellular air interface and includes, as said indirect interface, means for communicating over a Bluetooth air interface. (emphasis added)

The Applicants agree that utilizing Bluetooth technology to access network-terminating devices may be obvious as a means for coupling the end device to a network-terminating device. However, utilizing the technology as a second interface for helping determine which access network-terminating device to access according to preferences stored in the end device is not obvious. In any event, claims 14 and 16 also depend from claims 1 and 15 and contain the same limitations. Respectfully, the Applicants request that the rejection of claims 14 and 16 be withdrawn.

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CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-3 and 5-25.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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